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## EXTRAORDINARY

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## PART-IIA

### GOVERNMENT OF MEGHALAYA COMMERCE & INDUSTRIES DEPARTMENT

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#### NOTIFICATION

The 20<sup>th</sup> January, 2020.

**No.IND. 129/88/12.** – The Governor of Meghalaya is pleased to notify the "Meghalaya Commerce & Industries Service Rules, 2019" for general information with immediate effect.

**M. R. SYNREM,**  
Commissioner & Secretary to the Govt. of Meghalaya,  
Commerce & Industries Department.

The 20<sup>th</sup> January, 2020.

**No.IND. 129/88/11.** - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Government of Meghalaya is pleased to make the following rules regulating the recruitment and the conditions of service of persons appointed to the Meghalaya Commerce & Industries Service namely :-

- 1. Short title and commencement—** (1) These rules may be called "The Meghalaya Commerce & Industries Service Rules, 2019."  
(2) They shall come into force from the date of publication in the official Gazette.
- 2. Definitions—** In these Rules unless there is anything repugnant in the subject or context:
  - (a) "Appointing Authority" means the Governor of Meghalaya.
  - (b) "Commission" means the Meghalaya Public Service Commission.
  - (c) "Committee" means the Committee constituted under Rule 8.
  - (d) "Government" means the Government of Meghalaya.

- (e) "Governor" means the Governor of Meghalaya.
- (f) "Member of the service" means a Member of the Meghalaya Commerce & Industries Service.
- (g) "Service" means the Meghalaya Commerce & Industries Service, (h) "State" means the State of Meghalaya and
- (i) "Year" means the calendar year.

**3. Constitution of the Service**— There shall be constituted a service to be known as the Meghalaya Commerce & Industries Service consisting of the following persons namely:-

- (1) Persons appointed to different posts in the service on or after 21<sup>st</sup> January, 1972 but before the commencement of these Rules.
- (2) Persons appointed to different posts in the service in accordance with the provisions of these Rules.

**4. Composition of the service**— (1) The service shall consist of such categories of posts as the Governor may from time to time determine.

(2) The composition of the service is classified as follows:-

I	Grade I	Director of Commerce & Industries
II	Grade II	Joint Director of Commerce & Industries
III	Grade III	Deputy Directors of Commerce & Industries/General Managers, District Commerce & Industries Centre
IV	Grade IV	Functional Managers/Project Managers, District Commerce & Industries Centre/ Assistant Directors of Cottage Industries/Manager, C.F.S.W.
V	Grade V	Assistant Industries Officers/Industrial Promotion Officers/Assistant Manager, C.F.S.W. / Superintendent of Industries.
VI	Grade VI	Assistant Engineer (Civil)

- (3) Each of the categories of posts in clauses (I), (II), (III), (IV) and (V) of sub-rule (1) shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any of the higher cadres except in accordance with the provisions made in these Rules.

**5. Status** - The status of members of the service holding posts in clauses (I), (II), (III), (IV) (V) & (VI) of Rule 4(2) shall be Gazetted.

**6. Strength of the service**— (1) The strength and composition of the service shall be such as may be determined by the Government from time to time.

- (2) At the commencement of these Rules, the strength of the service and posts therein shall be as shown in Schedule-I of these Rules.

**7. Method of recruitment**— (1) Appointment to the posts by promotion in clauses I, II, III, IV and VI of Rule 4(2) shall be made from the select list.

- (a) The post of Director of Commerce & Industries shall be filled up by promotion from amongst the Joint Director of Commerce & Industries who has served at least 4 (four) years of continuous service in the rank of Joint Director or a combined service of 7 (seven) years in the rank of Joint

Director and Deputy Director/General Manager on the basis of seniority-cum-merit in consultation with the Commission.

Provided that in case suitable officers are not available from the Department, the post may be filled up temporarily by a Senior Civil Services Officer.

- (b) The post of Joint Director of Commerce & Industries shall be filled up by promotion from amongst the Deputy Directors/General Managers who has served at least 4 (four) years of continuous service in the rank of Deputy Director/General Manager or a combined service of 7 (seven) years as Deputy Director/General Manager and Assistant Director/Functional Manager/Project Manager/Manager.
- (c) The post of Deputy Director/General Manager shall be filled up by promotion from amongst the Functional Manager/Project Manager/Manager C.F.S.W./Assistant Director who has served at least 4 (four) years of continuous service in the rank of Functional Manager/Project Manager/Manager/Assistant Director or a combined service of 7 (seven) years as Functional Manager/Project Manager/Manager C.F.S.W./Assistant Director and Industrial Promotion Officer/Assistant Industries Officer/Superintendent of Industries/Assistant Manager.
- (d) The post of Functional Manager/Project Manager/Manager C.F.S.W./Assistant Director shall be filled up by promotion froth amongst the Industrial Promotion Officer/Assistant Industries Officer/Assistant Manager C.F.S.W./Superintendent of Industries having at least 5 years experience in the Department.
- (e) The post of Industrial Promotion Officer/Assistant Industries Officer/Assistant Manager C.F.S.W./ Superintendent of Industries shall be filled up by direct recruitment.
- (f) The post of Assistant Engineer (Civil) by promotion from amongst the Sub-ordinate Engineers (Civil) of the Department having at least 5 years experience in the rank of Sub-ordinate Engineer for Graduate holder or at least 10 years experience for Diploma holder.

(2) The appointment to any post by direct recruitment shall be made on the result of the examination conducted by the Commission.

**8. Departmental Promotion Committee—** (1) For the purpose of appointment by promotion under Rule 7, there shall be a Departmental Promotion Committee consisting of the following members :

I	Chief Secretary	Chairman
II	Addl. Chief Secretary/Principal Secretary/Commissioner & Secretary/Secretary, Commerce & Industries Department	Member
III	Principal Secretary/Commissioner & Secretary/Secretary/Additional Secretary, Personnel & A.R. Department	Member
IV	Principal Secretary/Commissioner & Secretary/Secretary, Finance Department	Member
V	Director of Commerce & Industries (if not a candidate himself)	Member

(2) The Committee may invite any other person or persons to attend its meetings, as and when considered necessary.

**9. Procedure for preparing the select list—** (1) At the beginning of each year the appointing Authority shall refer to the Committee, the approximate numbers of vacancies likely to occur in each Group/post of the Service during the year. To enable the committee to prepare the list for promotion to those cadres, the Appointing Authority shall furnish the Committee with the following documents, namely:-

- (i) A list of the members of the service draw up in order of seniority and consisting of three times the number of vacancies referred to in Sub-Rule (1). Provided that such restrictions shall not apply in respect of post where the total number of eligible persons is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible persons.
- (ii) the character rolls and service records of such members.
- (iii) any other documents and information as may be considered necessary by the Appointing Authority or required by the Committee.
- (2) The Committee after examining the character rolls, service records and other documents in respect of all such persons, shall prepare a list based on seniority with due regard to merit and suitability. The number of persons to be included in the list shall be according to the actual number of vacancies available at the particular grade. The list shall be forwarded by the committee to the Appointing Authority.
- (3) The names of persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his seniors, the Committee shall record in writing the reasons for doing so.
- (4) For the purpose of appointment by promotion under clauses (a), (b), (c), (d) and (f) of sub-rule (1) of Rule 7, the Appointing Authority shall consider the list prepared by the Committee along with the character rolls and service records and other documents in respect of each person in the list and unless he considers that any change is necessary, approved the list. If the Appointing Authority considers it necessary to make any change in the list received from the Committee, he shall inform the Committee of any changes proposed and after taking into account the comments if any, of the Committee, approve the said list, finally with or without modification as may in his opinion to be just and proper.
- (5) The list as approved under sub-rule (4) above shall form the select list for the purpose of appointment by promotion under clauses (a), (b), (c), (d) and (f) of sub-rule (1) of Rule 7.

**10. Validity of the select list—** (1) The select list shall remain in force for a period of 1 (one) year from the date of its final approval by the Appointing Authority unless its validity is extended with the approval of the Appointing Authority.

Provided that such an extension shall not be for a total period exceeding 6 (six) months.

Provided further that in the event of any great lapse in the conduct or performance of duties on the part of any person in the select list, the Appointing Authority, may, if he thinks fit, remove the name of such persons from the select list. The reason(s) for doing so shall be recorded in writing.

(2) The Committee shall meet once a year to review the select list. ;

**11. Direct recruitment—** (1) Competitive examination for direct recruitment under sub-rule (2) of Rule 7 shall be held at such intervals as the Appointing Authority may, in consultation with the Commission from time to time determined. The date and venue in which the examination shall be held, shall be fixed by the Commission.

(2) The examination shall be conducted by the Commission in accordance with such syllabus as the Appointing Authority may, from time to time make in consultation with the Commission.

- (3) Of the number of vacancies to be filled up on the result of each examination, there shall be reservation as per the State reservation policy in favour of candidates belonging to Schedule Castes and Schedule Tribes to the extent and subject to the conditions as the Government may, from time to time, prescribe.
- (4) On the basis of the results of the Competitive Examination, the Commission shall prepare a list of all successful candidates in order of merit which shall be determined in accordance with the aggregate marks obtained by such candidate and if two or more candidates obtain equal marks, the Commission shall arrange them in order of their relative merit which shall be determine in accordance with the general suitability of the candidates for appointment to the post. The number of persons to be included in the list shall be as according to the actual vacancies likely to occur during the recruitment year. The list shall be forwarded to the Appointing Authority.
- (5) The inclusion of a candidate's name in the list cannot be taken as "right to appointment" unless the appointing Authority is satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respects for appointment to the post and that appointment to any post in the service is subject to availability of vacancy.

**12. Conditions of eligibility for appearing at the Competitive Examination**— In order to be eligible to compete at the examination/interview for direct recruitment, a candidate must satisfy the following conditions namely :-

- (1) **Nationality** : Must be a citizen of India.
- (2) **Age** : Must have attained the age of 18 years and must not have exceeded the age of 27 years on the first day of the year in which the advertisement for the post is made.

Provided that in the case of candidate belonging to Schedule Castes and Schedule Tribes, the upper age limit will be subject to relaxation as made by the Government from time to time.

- (3) **Educational qualification**: As laid down in the Schedule-II of these rules.

**13. Disqualification for appointment to the service**— (1) No person shall be appointed who, after such medical examination as the Government may prescribe, is not found to be in sound mental or normal health condition.

- (2) No person shall be appointed to the service who has been convicted for any offence involving moral turpitude.
- (3) No person who has more than one spouse living shall be eligible for appointment to the service.

Provided that the Governor may, if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-rule.

- (4) No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation either, written or oral or by any other means, shall be appointed to the service.

**14. Appointment to the service**— (1) Appointment to any post in the service under Rule 7 shall be made by the Appointing Authority and shall also be published in the Meghalaya Official Gazette.

- (2) (i) Subject to the provision of sub-rule (3) & (5) of Rule 11, appointment shall be made from time to time in the order in which the names of candidature appear in the merit list prepared under sub-rule (4) of Rule 11.
- (ii) A person appointed by direct recruitment shall join within 15 (fifteen) days from the date of receipt of the order of appointment, failing which, and unless the Appointing Authority extend the

period of joining, which shall not in any case exceed three months, the appointment shall be cancelled.

(3) Appointment under sub-rule (1) of Rule 7 shall be made in the order in which the names of candidates appear in the select list.

**15. Discharge or reversion**— (1) Where the Appointing Authority finds that the performance of duty by any member of the service, appointed by promotion, is unsatisfactory or where he is found unfit to hold the post at any time, such a member shall be liable to be reverted to his next lower post or Grade.

(2) A member of the service appointed by direct recruitment shall be liable to be discharged if :

(a) On the basis of ACR.

(b) On any information received relating to his nationality, age, health, character and antecedents, the Appointing Authority is satisfied that he is ineligible or otherwise unfit for being a member of the service.

**16. Seniority**— (1) The *interse seniority* of the members of the service of any grade appointed on or after 21<sup>st</sup> January, 1972 but before the commencement of these, Rules shall be in the order in which their names appeared in the respective list prepared by the Commission or the select list approved by the Commission.

(2) The *interse-seniority* of the members of the service appointed to different cadre after the commencement of these rules shall be in the order in which their names appear in the merit list prepared under sub-rule (4) of Rule 11 or in the select list approved under sub-rule (4) of Rule 9- Proviso as per Model Rule.

(3) If confirmation of any member of the service is delayed on account of his failure to qualify for such confirmation, he shall lose his seniority *vis-a-vis* such of his juniors in his cadre as may be confirmed earlier than him.

**17. Confirmation**— Confirmation of a member of the service appointed by promotion shall be made according to his seniority in that cadre subject to the conditions:-

(a) that he/she has served not less than one year in the post in which he is to be confirmed.

(b) that his/her performance is satisfactory to be judged on the basis of Annual Confidential Report(s) and other relevant record(s).

(c) that there is no departmental proceeding/vigilance enquiry against him/her and

(d) subject to availability of vacancy and that no officer holds a lien on it.

**18. Gradation list**— There shall be prepared and published annually an up-to date gradation list as on 1<sup>st</sup> January consisting of the names of all members of the service, cadre-wise, and drawn up in order of seniority and other particulars relating to the date of birth and appointment to the service and such other details relevant to the service career shall be also indicated against each name.

**19. Pay scale**— The scale of pay including Special Pay admissible to the member of the service in different posts as shown in column 3 of Schedule-I to these Rules subject to revision by the Government from time to time.

**20. Leave, pension and other conditions of service**— All matters generally relating to pay and allowances, leave, pension, discipline and other conditions of service shall be regulated by rules and orders made by the Government from time to time and applicable to other officers of the Government of corresponding status.

21. **Increment**— (1) The first increment admissible to a member of the Service shall accrue on completion of 1 (one) year from the date of his joining the post.  
(2) Such persons referred to in sub-rule (2) of Rule 3 shall be allowed to draw increment becoming due within the period of two years from the date of commencement of these Rules.  
(3) The increment admissible to a member of the service promoted from one post to another shall accrue on the expiry of such year as admissible under the Fundamental Rules and Subsidiary Rules.
22. **Power of the Governor**— The Governor, if satisfied that the operation of any of the provisions of these Rules causes undue hardship in any particular case or cases or result in any particular post or posts being left unfilled for want of persons(s) possessing the minimum experience as specified by these Rules for promotion to such post(s), may dispense with or relax the requirement of any of these Rules to such extent and subject to such conditions, as it may consider necessary for dealing with the case in a just and equitable manner, or for meeting the exigencies of public interest.
23. **Interpretation**— If any question arises relating to the interpretation of these Rules, the decision of the Government in the Commerce & Industries Department with the approval of the Personnel &, A.R. Department shall be final.
24. **Repeal and savings**— All Rules, Orders or Notifications corresponding to and in force immediately before the commencement of these Rules are hereby repealed.

Provided that all orders made and action taken under the Rules, Order or Notification so repealed or any action taken in pursuant thereto, shall be deemed to have been validly made or taken under the corresponding provision of these Rules.

**M. R. SYNREM,**  
Commissioner & Secretary to the Govt. of Meghalaya,  
Commerce & Industries Department.

Sl. No.	Name of Post	Time Scale	Permanent	Temporary	Total
1	2	3	4	5	6
<b>Group A</b>					
1	Director of Commerce & Industries	Pay Level-21 {as per Revised Pay Structure of 5 <sup>th</sup> Pay Commission (Level in Pay Matrix)}	-	1	1
2	Joint Director of Commerce & Industries	Pay Level-19 {as per Revised Pay Structure of 5 <sup>th</sup> Pay Commission (Level in Pay Matrix)}	2	-	2
3	(i) Deputy Director (ii) General Manager	Pay Level-18 {as per Revised Pay Structure of 5 <sup>th</sup> Pay Commission (Level in Pay Matrix)}	3 3	- 8	3 11
4	(i) Functional Manager (ii) Project Manager (iii) Assistant Director Cottage Industries (iv) Manager, C.F.S.W.	Pay Level -17 {as per Revised Pay Structure of 5 <sup>th</sup> Pay Commission (Level in Pay Matrix)}	13 - - 1	24 8 - -	37 8 7 1
5	(i) Industrial Promotion Officer (ii) Assistant Industries Officer (iii) Assistant Manager, C.F.S.W. (iv) Superintendent of Industries	Pay Level - 15 {as per Revised Pay Structure of 5 <sup>th</sup> Pay Commission (Level in Pay Matrix)}	12 3 1 4	24 - - -	36 3 1 4
6	Assistant Engineer (Civil)	For B.E. Graduate (Group A): Pay Level - 15 {as per Revised Pay Structure of 5 <sup>th</sup> Pay Commission (Level in Pay Matrix)} For Non B.E. Graduate/Diploma Holder (Group B): Pay Level - 14 {as per Revised Pay Structure of 5 <sup>th</sup> Pay Commission (Level in Pay Matrix)}	1		1

**SCHEDULE - II**  
(Rule 12)

Sl. No.	Name of Post	Direct Recruitment				Promotion		
		Method of recruitment with percentage of vacancies to be filled up in any recruitment year by direct recruitment or promotion	Educational qualification required for direct recruitment	Lower age limit	Upper age limit	Promotion eligibility, for consideration For promotion to post mentioned In column (2)	Qualification/ Experience	Remarks
1	2	3	4	5	6	7	8	9
1	Director of Commerce & Industries	By promotion from members of the Meghalaya Commerce and Industries Service	Not applicable	-	-	Person in the rank of Joint Director of Commerce & Industries	Served at least 4 (four) years of continuous service in the rank of Joint Director or a combined service of 7 (seven) years in the rank of Joint Director and Deputy Director/ General Manager	---
2	Joint Director of Commerce & Industries	-do-	-do-	-	-	Person in the rank of Deputy Director/ General Manager	Served at least 4 (four) years of continuous service in the rank of Deputy Director/ General Manager or a combined service of 7 (seven) years as Deputy Director/ General Manager and Assistant Director/ Functional Manager/ Project Manager/ Manager.	—

3	(i) Deputy Director (ii) General Manager	-do- -do-	-do- -do-			Person holding the post of Functional Manager/Project Manager/Manager Industrial Estate/ Asst. Director Cottage Industries	Served at least 4 (four) years of continuous service in the rank of Functional Manager/Project Manager/Manager/ Assistant Director or a combined service of 7 (seven) years as Functional Manager/Project Manager/Manager C.F.S.W. Assistant Director and Industrial Promotion Officer/Assistant Industries Officer/ Superintendent of Industries/ Assistant Manager.	
4	(i) Assistant Director Cottage Industries (ii) Project Manager (iii) Functional Manager (iv) Manager, C.F.S.W.	By promotion from members of the Meghalaya Commerce & Industries service	Not applicable			Person holding the post of Industrial Promotion Officer/ Asst. Industries Officer/Asst. Manager, Industrial Estate/Superintendent of Industries	Degree holder with 5 years experience in the C & I Deptt.	
5	(i) Assistant Industries Officer (ii) Industrial Promotion Officer (iii) Assistant Manager, C.F.S.W. (iv) Superintendent of Industries	By direct recruitment	Degree holder in any branch of Engineering except Civil from recognized Institution	18 years	27 years for those already in Govt. service, there is no age limit provided they enter service within the prescribed age provided that in the case of candidate belonging to SC/ST, the upper age limit will be subject to relaxation made by the Govt. from time to time.	Does not arise	Does not arise	

6	Assistant Engineer (Civil)	By Promotion	Not applicable			Person holding the post of Subordinate Engineer.	Degree holder in Civil Engineering with 5 years experience or diploma in Civil Engineering with 10 years experience.	---
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